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GUN CONTROL

A Documentary and Reference Guide

Robert J. Spitzer



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Early Gun Control Law from Pennsylvania Taking Guns from Those Who Refuse Military Service

- **Document:** An Ordinance Respecting the Arms of Non-Associators
 - **Date:** July 19, 1776
 - **Where:** Pennsylvania
 - **Significance:** This is a stark example of a strict early gun law that called for gun confiscation.
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DOCUMENT

Chapter 729

An Ordinance Respecting the Arms of Non-Associators

Whereas the non-associators in this state have either refused or neglected to deliver up their arms according to the resolves of the honorable Continental Congress and the assembly of Pennsylvania, and effectual measures have not been taken to carry the said resolves into execution:

[Section I] Be it therefore ordained by the authority of this Convention, That the colonel or next officer in command of every battalion of militia in this state is hereby authorized, empowered and required to collect, receive and take all the arms in his district or township nearest to such officer which are in the hands of non-associators in the most expeditious and effectual manner in his power, and shall give to the owners receipts for such arms, specifying the amount of the appraisement; and such as can be repaired shall with all possible dispatch be rendered fit for service, and the value according to the appraisement of all such arms, together with the repairs and transportation, shall be paid to the officers by the treasurer on the order of the council of safety for the use of the owners and defraying the charges. . . .

Chapter 2 • The Bill of Rights, the Second Amendment, and Early Laws

[Section III] And it is further ordained, That the colonels aforesaid shall arm the associators with the said arms and keep an account to whom they are delivered and return the same to the council of safety; and every associator shall be answerable for such arms or the value unless lost or destroyed by some unavoidable accident or in actual service. . . .

Passed July 19, 1776.

SOURCE: The Statutes at Large of Pennsylvania

ANALYSIS

This law was one of several enacted in Pennsylvania and in other states around the time of the American Revolution that gave the state government the power to confiscate the guns of “non-associators,” referring to citizens who refrained from military service whether because they opposed the Patriot cause or because of religious beliefs that morally bound them to nonviolence, such as Quakers. Thus, disarmament (that is, the legal right of the government to take or “impress arms” of citizens) was not simply to take guns from the hands of Loyalists, but also from any who owned guns but who would not fight, regardless of the reason. In this way, guns were viewed as objects that the government could rightfully confiscate to use for a public purpose. This principle was common in the country’s early history, when manifold military threats prompted local governments to, for example, require citizens to keep their guns (along with gun powder and other militarily useful items) in a local storage facility so they could be readily accessed in case of attack.

According to the law, the gun owners were to be given receipts when their guns were taken, noting the estimated value of the weapon. The arms so obtained were then to be given to “associators” (those who supported, and were prepared to fight for, the revolutionary cause) for their use, subject to the control of the local supervising “council of safety.” No express provision was made for return of the arms, except in the case of arms that were “not worth repairing.” These broken guns were to be “laid by,” perhaps to be used for spare parts, and were to be returned to the owners at such time as local leaders thought appropriate.

FURTHER READING

Jensen, Merrill. *The New Nation*. New York: Vintage, 1965.

Wood, Gordon S. *The Creation of the American Republic, 1776–1787*. Chapel Hill: University of North Carolina Press, 1998.